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OFFICE OF PETITIONS

In re Application of :
Boyle et al. :
Application No. 10/055,386 : ON PETITION
Filed: 23 January, 2002 :
Attorney's Docket No. GB 010014 :

Receipt is acknowledged of the petition filed on 21 March, 2002, concerning the Patent and Trademark Office's handling of an application assigned application Serial No. 10/055,386.

The petition is dismissed.

The application was filed on 23 January, 2002. However, on 21 February, 2002, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date of 23 January, 2002, and advising applicants that Figures 16-19 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioner explains that no figure was missing on 23 January, 2002. Instead, petitioners explain that only Figures 1-15 were filed, and that Figures 16-19 are not referenced in the present application, but rather in Application No. 09/912,470, which is cited in the Information Disclosure Statement filed concurrently with the present application.

A review of the application papers received on 23 January, 2002, reveals that petitioners submitted a copy of 11 pages of specification entitled "Wireless Terminal" bearing attorney docket No. PHGB 010014US and a copy of 11 pages of specification entitled "Wireless Terminal" bearing attorney docket No. PHGB010056. It is also noted that the application transmittal sheet and the drawings reference attorney docket No. GB 010014. The latter specification references only Figures 1-15.

It appears that the Office incorrectly processed the 11 sheets of

specification designated with attorney docket No. PHGB 010056 as the specification, claims, and abstract of the application, while applicants intended the 11 sheets of specification designated with attorney docket No. PHGB 010014 US to be the initial disclosure of the application.

The application will be reprocessed using the specification and claims designated Attorney Docket No. PHGB 010014US as the specification, claims, and abstract of the initial disclosure.

It is obvious from the petition that no figures were actually missing on 23 January, 2002. Rather, as the attorney docket number is the only information distinguishing the specification intended to be filed from the copy of the specification cited in the IDS, the Office misprocessed the wrong application papers as the original disclosure as a result of applicant's failure to clearly designate the application papers intended to serve as the specification, claims, and abstract of the original disclosure. As this petition was necessitated by an error on the part of petitioners, the petition fee will not be refunded.

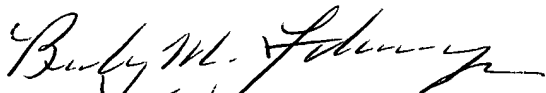
The Notice of Omitted Items is vacated.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of 23 January, 2002, using the application papers marked PHGB 010014US, and for an indication in Office records that eight (8) claims were present on filing.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.



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